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ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/7/24

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

20-cr-0450 (LAK)

ABDULLA SULEIMAN,

Defendant.
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ORDER

LEWIS A. KAPLAN, *District Judge.*

Before the Court is defendant's motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2).¹

On November 2, 2021, this Court sentenced defendant principally to a term of imprisonment of 188 months. On March 6, 2024, defendant moved for a reduction of sentence. On March 27, 2024, the Probation Office completed a Supplemental Presentence Report.² The government filed its opposition to defendant's motion on April 10, 2024.³

Defendant contends that he is eligible for a sentence reduction under Amendment 821 to the Sentencing Guidelines. The Supplemental Presentence Report and government agree that defendant is ineligible for a reduction because Amendment 821 has no effect on defendant's

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Dkt 44.

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Dkt 45.

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Dkt 46.

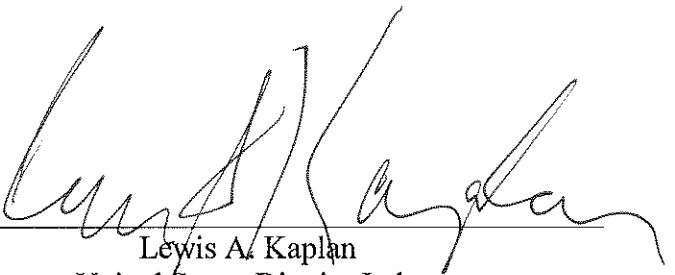
Guidelines range.

Defendant is ineligible for a sentence reduction. Under the Guidelines, “the court *shall not* reduce the defendant’s term of imprisonment under 18 U.S.C. § 3582(c)(2) . . . to a term that is less than the minimum of the amended guideline range.”⁴ In this case, defendant’s original sentence of 188 months was at the bottom of the stipulated Guidelines range,⁵ and that range is unchanged by Amendment 821. This is so because defendant was sentenced as a career offender, and U.S.S.G. § 4B1.1(b) provides that “[a] career offender’s criminal history category . . . shall be Category VI.” Because defendant was in criminal history category VI by operation of § 4B1.1(b), his criminal history points — which he argues should be reduced under Amendment 821 — were and remain irrelevant to the calculation of his Guidelines range.

Defendant’s motion⁶ for a sentence reduction is denied.

SO ORDERED.

Dated: May 7, 2024


 Lewis A. Kaplan
 United States District Judge

⁴

U.S.S.G. § 1B1.10(b)(2)(A) (emphasis added).

⁵

Dkt 26-2 at 3 (plea agreement).

⁶

Dkt 44.